

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN JAMES HENDERSON,

Defendant.

CR 12-73-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Jonathan Henderson (Henderson) has been accused of violating the conditions of his supervised release. Henderson admitted all of the alleged violations. Henderson's supervised release should be revoked. Henderson should be placed in custody for 7 months, with 37 months of supervised release to follow. Henderson's supervised release conditions should be amended to include a condition that requires Henderson to complete a mental health treatment program approved by the United States Probation Office.

**II. Status**

Henderson pleaded guilty to Possession with Intent to Distribute Methamphetamine on April 10, 2013. (Doc. 26). The Court sentenced Henderson

to 90 months of custody, followed by 4 years of supervised release. (Doc. 33).

The Court reduced Henderson's term of custody to 70 months pursuant to 18 U.S.C. § 3582(c)(2) on May 27, 2015. (Doc. 41). Henderson's current term of supervised release began on December 14, 2018. (Doc. 63 at 2).

### **Petition**

The United States Probation Office filed an Amended Petition requesting that the Court revoke Henderson's supervised release on August 12, 2019. (Doc. 63). The Amended Petition alleges that Henderson violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; 2) by failing to participate in substance abuse treatment; 3) by failing to follow the instructions of his probation officer; and 4) by failing to report for substance abuse testing.

### **Initial appearance**

Henderson appeared before the undersigned for his initial appearance on the Amended Petition on October 3, 2019. Henderson was represented by counsel. Henderson stated that he had read the petition and that he understood the allegations. Henderson waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on October 3, 2019. Henderson admitted that he had violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; 2) by failing to participate in substance abuse treatment; 3) by failing to follow the instructions of his probation officer; and 4) by failing to report for substance abuse testing. The violations are serious and warrant revocation of Henderson's supervised release.

Henderson's violations are Grade C violations. Henderson's criminal history category is II. Henderson's underlying offense is a Class B felony. Henderson could be incarcerated for up to 36 months. He could be ordered to remain on supervised release for up to 44 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

### **III. Analysis**

Henderson's supervised release should be revoked. Henderson should be incarcerated for 7 months, with 37 months of supervised release to follow. Henderson's supervised release conditions should be amended to include a condition that requires Henderson to complete a mental health treatment program approved by the United States Probation Office. This sentence is sufficient but

not greater than necessary.

#### **IV. Conclusion**

The Court informed Henderson that the above sentence would be recommended to Judge Morris. The Court also informed Henderson of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Henderson that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

#### **The Court FINDS:**

That Jonathan James Henderson violated the conditions of his supervised release by using methamphetamine, by failing to participate in substance abuse treatment, by failing to follow the instructions of his probation officer, and by failing to report for substance abuse testing.

#### **The Court RECOMMENDS:**

That the District Court revoke Henderson's supervised release and commit him to the custody of the United States Bureau of Prisons for 7 months, with 37 months of supervised release to follow. Henderson's supervised release conditions should be amended to include a condition that requires Henderson to complete a mental health treatment program approved by the United States Probation Office.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 4<sup>th</sup> day of October, 2019.

  
John Johnston  
United States Magistrate Judge